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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,706	10/31/2003	Teruo Tamada	KYFR-US	1933
24222	7590	07/21/2005	EXAMINER	
MAINE & ASMUS 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445			SICONOLFI, ROBERT	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/698,706	Applicant(s) TAMADA ET AL.	
	Examiner Robert A. Siconolfi	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9-14,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Amendment filed on 6/9/05 has been received.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9-11, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (U. S. Patent no. 4,670,324).

Sato et al discloses: see figure 1 first wall 2, second wall 3, swell section with stepwise profile on the rib between the two chambers 4

Sato et al does not disclose the specific dimensions claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have any appropriate dimensions such as those claimed as such is merely a design choice based on the environment the device will be used in. Please see MPEP 2144.04 regarding changes in size and shape.

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4. Claims 1 12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (U. S. Patent no. 6,551,450).

Thomas et al discloses: see figure 34 first wall 820, second wall 818, fused rib in the middle, unfused rib on the sides

Thomas et al does not disclose the specific dimensions claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have any appropriate dimensions such as those claimed as such is merely a design choice based on the environment the device will be used in. Please see MPEP 2144.04 regarding changes in size and shape.

5. Claims 1 12,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al in view of Sell Jr. et al (U. S. Patent no. 6,385,864).

Thomas is relied upon as above. Thomas does not disclose having rib ends shaped one convex and one concave. Sell Jr. et al teaches having rib ends shaped one convex and one concave so that they can roll relative to each other and deform properly when in contact under compression (see figure 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the rib ends one convex and one concave in order to allow the absorber to deform properly.

Response to Arguments

6. Applicant's arguments filed 6/9/05 have been fully considered but they are not persuasive. Applicants argue that Sato teaches away from recessing ribs from opposite surfaces. Figure 1 which the examiner has relied upon is prior art disclosed by Sato. The objectives of Sato are irrelevant with regards to figure 1. The proper test is whether the prior art disclosed by Sato teaches away from recessing the ribs which it does not. Figure 1 clearly discloses recessing ribs from opposite surfaces.

Applicant further argues that Thomas et al does not disclose ribs but inter-nodal spaces. Applicant bases their arguments on figure 24 not figure 34 which the examiner has cited. Examiner disagrees. Applicants arguments regarding inter-nodal spaces verses ribs are much more specific than the claims presented. Furthermore, the examiner does not see a patentable difference since both structures are depressions relative to an upper and lower wall.

Applicants further argue that since Thomas will be restored after an impact means that it does not read upon the limitation "crushed". This is incorrect. Thomas et al is crushed upon impact and becomes restored AFTER impact. If the applicant wishes to claim a permanent deformation, then they should do so.

Applicants argue that there is no motivation to combine the references with regard to Thomas et al and Sell. The examiner disagrees. Sell teaches specifically how the shape helps the impact device to be stiff to loading and how rib will deform into the other. Stiffness and predictability in deformation is important to impact absorbers. If the deformation is not predictable, the response to load is not easily knowable.

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 571-272-7124. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert A. Siconolfi
Primary Examiner
Art Unit 3683

RS